

PLANNING COMMISSION MINUTES

October 4, 2000

CALL TO ORDER:

Chairman Dan Maks called the meeting to order at 7:02 p.m. in the Beaverton City Hall Council Chambers at 4755 SW Griffith Drive.

ROLL CALL:

Present were Chairman Dan Maks, Planning Commissioners Bob Barnard, Chuck Heckman, Eric Johansen and Vlad Voytilla. Planning Commissioners Betty Bode and Sharon Dunham were excused.

Development Services Manager Irish Bunnell, Principal Planner Hal Bergsma, Senior Planner Steven Sparks, AICP, Senior Planner Barbara Fryer, AICP, Senior Planner John Osterberg, Planning Consultant Sally Rose, Assistant City Attorney Ted Naemura and Recording Secretary Sandra Pearson represented staff.

The meeting was called to order by Chairman Maks, who presented the format for the meeting.

VISITORS:

Chairman Maks asked if there were any visitors in the audience wishing to address the Commission on any non-agenda issue or item. There were none.

WORK SESSION:

MERLO STATION AREA PLAN

Senior Planner Barbara Fryer mentioned that she is the Project Manager for the Merlo Station Area Plan, adding that the City of Beaverton had received a Transportation Growth Management (TGM) Grant through the Department of Land Conservation and Development and the Oregon Department of Transportation. She clarified that the purpose of this grant is to assess the incorporated portion of the Merlo Station area that had not been addressed through the efforts of Washington County pertaining to the Merlo/Elmonica Stations. She introduced the consultants that had been retained by the City of Beaverton, including Ed Murphy, representing Ed Murphy & Associates; and Bob

1 Yakas and Jeff Mitchum, representing Robert Yakas Design. She discussed
2 numerous opportunities available for public involvement in this process, noting
3 that the initial public involvement had been outlined in Technical Report No. 1.
4 This included meetings to address concerns of the staff of the public agencies
5 owning property in this planning area (Tri-Met and the Beaverton School
6 District), the station area private property owners, the Tualatin Hills Park &
7 Recreation Department (THPRD), the Tualatin Valley Water District and the
8 Washington County Department of Transportation. She referred to this
9 information, which is included in Technical Report No. 1, adding that the
10 consultants had prepared three draft alternatives which had been presented to the
11 affected stakeholders in order to receive input regarding their concerns and
12 comments regarding this proposal.

13
14 Ms. Fryer discussed a stakeholder meeting on September 25, 2000, noting that
15 concerns had included walkable streets, including access points every 200 feet
16 along Merlo Road; redevelopment and non-compliance or non-conformance
17 issues. Because most of the property within the study area is owned by public
18 agencies, there was also concern with the public investment in this area. Concern
19 was expressed regarding signals to slow and stop traffic, as well as cutting down
20 on the pass-through traffic along Merlo Road. Concern with impacts on the
21 Nature Park and access to the public school district property was mentioned, as
22 well as the long-term effects of storm water runoff from surface parking.
23 Observing that this particular area is industrial in nature, she noted that it might
24 not support residential uses, although residential use had been a primary focus of
25 the 170th Avenue/Elmonica Station. She noted that much of the area within the
26 Beaverton Creek Station Community has developed as residential.

27
28 Ms. Fryer mentioned the discussion about the appearance of urban industrial
29 property, observing that one of the individuals who had attended had commented
30 that Northwest Portland serves as a model for future urban industrial areas that
31 might include three to four story structures. She noted that concern had been
32 expressed with the maintenance of productivity in this particular area,
33 emphasizing that many of the current uses have no other place to locate. She
34 reported that those who attended had indicated their desire to maintain their
35 facilities with a sustainability approach, adding that they are considering the
36 possibility of including retail, day care, restaurants, cleaners or other such uses
37 within the buildings. The Boulevard idea had been discussed, including whether
38 Merlo Road should consist of five or three lanes.

39
40 **ED MURPHY**, representing Ed Murphy & Associates, who noted that he had
41 been collaborating with Jeff Mitchum of Robert Yakas Design, Alpha
42 Engineering, Inc. and staff, described the information included in the Merlo
43 Station Area Plan Technical Report No. 1 and offered to respond to any questions
44 or comments. He referred to page 33, observing that many opportunities for
45 public involvement are available due to the large amount of affected property that
46 is owned by public entities. He mentioned that the nature park is a major amenity

1 in this area. He referred to an aerial photograph of the area, observing that Tri-
2 Met and the Beaverton School District own 80% of the area, GTE owns an
3 additional 15%, and the remaining 5% belongs to private owners. He mentioned
4 that there had been a discussion regarding Merlo Road, observing that the
5 Regional Transportation Plan considers 170th Avenue up to Merlo Road, and 158th
6 Avenue to the Sunset Highway to be a five-lane arterial street. Noting that this
7 street is obviously not this wide now, he emphasized that this is the long-range
8 plan according to both Metro and the City of Beaverton.

9
10 Mr. Murphy referred to Merlo Station Area Plan Technical Report No. 2, and
11 discussed the information contained within this document, including what other
12 jurisdictions, specifically Washington County, the City of Gresham and the City
13 of Hillsboro, have implemented around light rail stations. He noted that the City
14 of Hillsboro has similar areas in which they have created transit-oriented
15 industrial and transit-oriented business park zones where residential use is not
16 permitted, although the areas are both transit and pedestrian friendly. He pointed
17 out that several examples are available in the back of this document, adding that
18 these examples are described on page 37. He mentioned that page 35 discusses
19 rationale for not recommending residential use in this area and requested feedback
20 on this issue and the policy issues listed on page 28.

21
22 **JEFF MITCHUM**, representing Robert Yakas Design, referred to Chapter 4,
23 page 37, specifically alternate scenarios, and reviewed some of the design
24 differences between the three alternatives. He described the distinguishing
25 characteristics for this project, emphasizing several themes that are present,
26 including parcelization, or lot consolidation; some infill development; and internal
27 circulation. He discussed Alternative No. 1, which he described as a "very easy
28 as you go" approach to all three of these themes, noting that the parcelization is
29 essentially left as it presently exists. Some infill development occurs primarily
30 along 170th Avenue as properties redevelop for improved compliance with the
31 existing light industrial standards, all of the current big-site users remain the
32 same. Current plans for the Unified Sewerage Agency (USA) development are
33 assumed, including current plans for a transit-oriented development within an
34 internal loop road on Merlo Drive, which is essentially extended through the site
35 to loop back up with Merlo Road.

36
37 Chairman Maks requested clarification of whether USA owns any of this
38 property.

39
40 Mr. Murphy clarified that USA is currently purchasing five acres from Tri-Met,
41 adding that Merlo Station Area Plan Technical Report No. 1 includes a Site
42 Development Review by USA and Tri-Met.

43
44 Ms. Fryer clarified that Merlo Station Area Plan Technical Report No. 1 includes
45 a Pre-Application Conference, rather than a Site Development Review, by USA

1 and Tri-Met, adding that they have not yet submitted an application for any
2 parcelization or an actual development review.

3
4 Mr. Mitchum commented that they had searched for existing and proposed
5 development and design, one of which had been USA and one he referred to as
6 the (Fletcher, Farr, Ayotte) FFA Plan. Referring to Alternative No. 1, he
7 commented that the biggest differences include a little bit of infill development,
8 pushing the building presence up against Merlo Road. He added that this would
9 also focus 10,000 to 12,000 square feet of convenience-oriented retail at both the
10 intersection of Merlo Road and 170th Avenue and toward the light rail station
11 platform.

12
13 Mr. Mitchum discussed Alternative No. 2, which he described as a more
14 ambitious approach to infill lot consolidation and on-site circulation. He
15 mentioned that some of the primary users some remain the same, with the
16 exception of along 170th Avenue, which includes a wholesale redevelopment of
17 essentially everything that is fronting 170th Avenue and Merlo Road. This will
18 push everything closer to the edge of the street and attempt to provide a more
19 continuous pedestrian environment all the way up 170th Avenue and along Merlo
20 Road. On site circulation has changed to essentially serve the back sides of the
21 lots for these new structures with what he referred to as commercial alleys,
22 providing for both vehicular and pedestrian circulation accommodation located at
23 the backs of these lots.

24
25 Mr. Mitchum discussed Alternative No. 3, describing it as a wholesale change of
26 essentially everything internal, adding that the parcelization is completely
27 reformatted to essentially reflect two communities basically laced together with
28 an entirely new main street down the center of the site. Essentially they had
29 attempted to create a longer activity period in the area during the day, not strictly
30 the 8:00 a.m. to 5:00 p.m. use, but adding some more convenience retail,
31 restaurant uses, the idea of Campus Industrial (CI) focussing on some institutional
32 use, providing some educational opportunities and an opportunity for shared
33 parking.

34
35 Mr. Murphy referred to Merlo Station Area Plan Technical Report No. 1, page 36,
36 specifically a listing of feasible scenarios, and indicated an illustration depicting
37 pedestrian crossings at the railroad tracks. He mentioned a trail entrance into the
38 Nature Park, adding that it is necessary to cross 170th Avenue, which is becoming
39 increasingly difficult to accomplish. He discussed a proposed park, which is
40 actually 0.4 acres of property owned by PGE, including a small grove of trees
41 located across Merlo Road from the Merlo Road Transit Station and expressed his
42 opinion that this amenity should be preserved. Concluding, he noted that several
43 members of the audience wish to address some of these issues, adding that page
44 40 includes ideas for surrounding neighborhoods, such as boulevard amenities
45 and other options to make a more pleasant environment for pedestrians.

46

1 Ms. Fryer mentioned another opportunity for public involvement, specifically a
2 neighborhood meeting on September 28, 2000, noting that it had been attended by
3 two members of the Five Oaks/ Triple Creek NAC. She mentioned that they had
4 expressed concern with high-quality development and the Board of Design
5 Review process. They had discussed play areas for children, low traffic volumes
6 and upscale development, specifying a preference for \$300,000 townhomes in this
7 area. Concern with the jurisdictional mix and lack of coordination between
8 entities had been expressed, with an emphasis on coordination of planning efforts.
9 Some concern had been mentioned with the redevelopment of Costco and Reser's
10 Foods and the possibility of being included in this planning effort. There had
11 been discussion of whether public facilities would be available to support
12 increased densities, specifically school fees and park fees. Those who attended
13 appeared to feel that the area is underdeveloped and expressed a preference for
14 five lanes on Merlo Road, as well as what she referred to as a 24-hour village
15 presence.

16
17 Ms. Fryer discussed written comments received from Pat Russell on September
18 28, 2000, observing that copies have been distributed. She mentioned that Mr.
19 Russell had also submitted copies of questions regarding these issues, dated
20 October 4, 2000, adding that copies of this document have also been distributed.

21
22 Ms. Fryer mentioned that copies of a letter from Washington County had also
23 been distributed concerning the issue of a three-lane road versus a five-lane road
24 on Merlo Road. She emphasized that they strongly recommend the five-lane
25 road, adding that they had also indicated that they would like to receive a detailed
26 traffic analysis for any kind of alternative access spacing other than the current
27 600-foot requirements. She pointed out that funding is not available at this time
28 for such a detailed traffic analysis.

29
30 Ms. Fryer discussed the policy choices outlined on page 28 of the Merlo Station
31 Area Plan Technical Report No. 2, offering to review and comment on these
32 issues independently or however the Commissioners prefer to discuss this.

33
34 Chairman Maks indicated that he would first like the Commissioners to have the
35 opportunity to ask questions, adding that the public will have the opportunity to
36 testify during the public portion. He noted that any comments regarding the
37 policies should be submitted in written form prior to the next hearing to allow the
38 Commissioners to review the information.

39
40 Commissioner Heckman questioned whether the right-of-way is presently
41 available to allow for the proposed expansion of the roads.

42
43 Ms. Fryer advised Commissioner Heckman that this right-of-way has not yet been
44 acquired or dedicated through development.
45

1 Commissioner Heckman commented that it is hopeful that future developers will
2 dedicate a portion of their property for this right-of-way.

3
4 Ms. Fryer pointed out that this would be determined in proportion to their
5 perceived impacts.

6
7 Commissioner Heckman requested clarification of the distance between the
8 access points on the maps.

9
10 Mr. Murphy indicated the access points on the illustration, noting that this
11 involves distances of approximately 1300 feet, 1200 feet and 600 feet, adding that
12 this is in compliance with both the City of Beaverton and Washington County
13 spacing requirements.

14
15 Commissioner Heckman mentioned the possibility of the redevelopment of
16 Costco and Reser's Foods, requesting clarification of the extent of the concern
17 regarding this issue.

18
19 Ms. Fryer pointed out that two individuals had commented, noting that they had
20 indicated that the area should redevelop in more transit-oriented type of
21 development. Further, they felt that the area is currently undeveloped and that
22 both Costco's big-box retail use and the Reser's Foods facility are land-
23 consumptive and would better serve the area as more transit-oriented
24 development.

25
26 Commissioner Heckman questioned any potential time frame for the
27 redevelopment of Reser's Foods.

28
29 Ms. Fryer advised Commissioner Heckman that neither the City of Beaverton nor
30 Reser's Foods are proposing any changes to this particular property.

31
32 Commissioner Heckman commented that he would like to know exactly what is
33 meant by "in the future" regarding this issue.

34
35 Ms. Fryer informed Commissioner Heckman that she does not have this
36 information.

37
38 Commissioner Voytilla questioned why the study area only appears to involve
39 1/4th of the area around the station.

40
41 Observing that this is a good question, Ms. Fryer noted that Washington County
42 has planned the area immediately to the north of Merlo Road as part of the
43 Merlo/Elmonica Station area, along with the area north of Jenkins Road. She
44 noted that this also includes the IBM/Sequent property along Jay Street and 158th
45 Avenue. As these properties are annexed, an "equivalent" zoning district will be
46 applied to these zones to more closely match with the Washington County zones.

1 She mentioned that the recently-constructed PGE facility houses 200 employees is
2 an industrial-type site, as is the Reser's Food site, pointing out that there is an
3 issue concerning industrial lands within the City of Beaverton. She discussed the
4 possibility of taking away 48 acres of light industrial land in this area and placing
5 a portion of this land in mixed-use development. She mentioned that while this is
6 a good thing, in terms of employment, it is also necessary to retain the
7 employment capacity and industrial properties that are currently present. She
8 discussed the draft Land Use Map, noting that it had anticipated that this area
9 would remain as industrial zoning and that it is expected that there would not be
10 an opportunity to create retail development.

11
12 Observing that he is glad Ms. Fryer brought this up, Commissioner Voytilla
13 questioned where these fairly stable stakeholders should be displaced,
14 emphasizing that this involves a lot of public entities.

15
16 Principal Planner Hal Bergsma mentioned that staff had focussed on this area
17 because of strong interest expressed by Tri-Met and others in examining the
18 development potential of their property. Noting that Tri-Met is encouraging
19 transit-oriented development, many of their own employees do not utilize the light
20 rail because the buses have to leave before the trains start running. He pointed out
21 that Tri-Met has been exploring options for development potential for this site,
22 adding that they were actively supportive of the City of Beaverton receiving this
23 TGM grant.

24
25 Noting that this situation compares with the tail wagging the dog, Commissioner
26 Voytilla emphasized that the transit station at Merlo Road is fairly small and has
27 very little use in comparison to the other transit stations.

28
29 Mr. Bergsma advised Commissioner Voytilla that staff is not talking about
30 displacement of the activities at this site, but the potential of increasing the
31 intensity of use in the portion that may not be necessary for use by Tri-Met's
32 operations. On question, he explained that Tri-Met's facility is land-intensive in
33 its use, although it may be possible to reorient a portion of the site to be available
34 for other, more transit-oriented uses.

35
36 Chairman Maks expressed his opinion that this is not necessarily true, observing
37 that many of these places could be made non-conforming and expressed concern
38 with where these people are supposed to go.

39
40 Mr. Murphy noted that the first two options depict the Beaverton School District,
41 Tri-Met and USA, depending upon whether they follow through with their
42 proposed purchase from Tri-Met, as basically the same. He commented that the
43 third option squeezes Tri-Met property down to some extent, adding that
44 eventually fewer buses will originate from this site and that parking could be
45 shared with the school district and USA.

46

1 Chairman Maks questioned the long-range facilities for the Beaverton School
2 District and the need for infrastructure, and Mr. Murphy advised him that these
3 issues had been considered.

4
5 Chairman Maks noted that certain policies might prohibit the storage of materials
6 at the school district facility, observing that a shortage of light industrial land may
7 make this storage even more difficult.

8
9 Mr. Murphy noted that the proposal suggests the potential for an employment-
10 intensive area that would be more pedestrian-friendly and transit-oriented. He
11 discussed the number of employees that could potentially be located in the area
12 per acre, noting that the City of Hillsboro has established a goal of 45 employees
13 per acre and that the City of Gresham has a standard of a certain number of square
14 feet per employee.

15
16 Commissioner Voytilla expressed his opinion that this particular issue has not
17 been adequately addressed, emphasizing that he does not feel that it is possible to
18 adequately address the issue at this work session and that the displacement of
19 people is of great concern to him.

20
21 Chairman Maks pointed out that it is necessary to determine what is there, what
22 the uses are and what the needs are with regard to these uses. He noted that it is
23 difficult to increase the employees at the school district site when there is neither
24 adequate funding nor meeting areas available.

25
26 Mr. Murphy suggested the possibility of eventually building up, and
27 Commissioner Voytilla advised him that this involves funding.

28
29 Chairman Maks emphasized that available funding does not always provide for
30 what is necessary.

31
32 Commissioner Voytilla discussed the school district's long range facility planning
33 and questioned whether the documents they prepared have been taken into
34 consideration.

35
36 Mr. Murphy noted that a representative of the school district had been
37 interviewed, adding that this individual is actually present to testify this evening.

38
39 Chairman Maks advised Mr. Murphy that the school district has already prepared
40 a plan, adding that it might be feasible to review and consider their existing
41 document.

42
43 Mr. Murphy discussed a potential opportunity for at least the three public sector
44 property owners, Tri-Met, the Beaverton School District and USA, to work
45 together towards some master planning.

46

1 Commissioner Voytilla questioned whether Mr. Murphy had discussed this
2 specific issue with these three public entities.

3
4 Mr. Murphy advised Commissioner Voytilla that they are recommending that
5 they work together to come up with a master plan of their own, outside of this
6 process. He noted that USA and Tri-Met have plans to share parking spaces,
7 office spaces and a storm water collection system, adding that Beaverton School
8 District could possibly join in this effort.

9
10 Commissioner Voytilla requested Mr. Murphy's opinion of what the stakeholders'
11 motivation is to work in this joint effort.

12
13 Mr. Murphy mentioned that Tri-Met would have the opportunity to utilize some
14 of their surplus property and USA would have an opportunity to co-locate with
15 Tri-Met and create needed office space. He emphasized that the City of
16 Beaverton is in control of the land use planning in this particular area.

17
18 Ms. Fryer mentioned that one of the benefits to the property owners would be a
19 cost-share of building costs in terms of facility planning, creating an opportunity
20 for these three agencies and others as well to work together. She noted that it may
21 be possible for Tri-Met, the Beaverton School District, USA and GTE to maintain
22 their industrial nature on this particular property while providing some increased
23 transit-oriented development. Observing that these uses are not incompatible, she
24 expressed her opinion that a master plan and coordination are necessary, adding
25 that the process is potentially a catalyst for that joint master plan.

26
27 Commissioner Voytilla questioned whether Ms. Fryer has reviewed any financial
28 analysis to back up her statements, and was advised that she had not.

29
30 Commissioner Johansen requested clarification of the next steps in the hearing
31 process on this issue.

32
33 Ms. Fryer informed Commissioner Johansen that staff is attempting to compile
34 the written and oral comments from various parties and individuals to be collated
35 together for a preferred alternative. Depending upon which of the three
36 alternatives is utilized, if any, the consultants will be requested to draft policy
37 language and the actual code language for the implementation of a zoning change,
38 a new district or a new Comprehensive Plan designation. The Public Hearing
39 process would then be initiated for a Comprehensive Plan Amendment (CPA).
40 She mentioned that she anticipates another neighborhood meeting and another
41 stakeholder and interjurisdictional meeting prior to initiation of the CPA, possibly
42 in January or February 2001.

43
44 Commissioner Johansen expressed his opinion that the possibility of downsizing
45 Merlo Road to three lanes should be very carefully considered.
46

1 Observing that this is a policy issue, Chairman Maks assured Commissioner
2 Johansen that this would be considered.

3
4 Commissioner Barnard commented that he has no problem with considering a
5 land zoning change and legislative issue to determine whether residential or other
6 certain uses should be permitted in this area. He mentioned that he does have a
7 problem with the development of a plan for the property of several private,
8 independent businesses, emphasizing that they need to be involved in this process.
9 He noted that each of these businesses could potentially retain their own
10 individual consultants who could all come up with very good but completely
11 different plans, which could result in a battle, adding that the City might need to
12 install some public roadways.

13
14 Ms. Fryer commented that Tri-Met is planning a u-shaped extension of Merlo
15 Drive, adding that they would like to retain ownership of this private street, much
16 like the street through the Murray/Scholls Town Center.

17
18 Commissioner Barnard observed that by the time a street is built, it is already too
19 little. He noted that there are a lot of parking places here, which will result in a
20 lot of cars, expressing his concern with Alternate No. 1 and how these cars will
21 get out of there. He mentioned that Alternate No. 2 is an improvement, adding
22 that Alternate No. 3 is the best because it includes some very nice access points,
23 although it radically moves some private business buildings.

24
25 Mr. Murphy advised Commissioner Barnard not to take these drawings too
26 literally, observing that the little boxes don't necessarily indicate that there will be
27 a building that shape at a particular location. He discussed Alternative No. 3,
28 specifically whether there should be a more internal circulation system including
29 private and public streets and some sort of road system. He mentioned that the
30 looped street suggested by Tri-Met crosses property owned by the Beaverton
31 School District, observing that at least two entities will be involved in any
32 decision.

33
34 On question, Ms. Fryer advised Chairman Maks that one of the goals is an
35 increase in employment numbers.

36
37 Chairman Maks observed that in addition to increased employment numbers, we
38 appear to be attempting to also provide increased supportive services for the
39 existing industrial uses and to reduce vehicular miles.

40
41 Mr. Bergsma mentioned that we are also attempting to increase transit-supported
42 development.

43
44 Observing that he understands this concept, Chairman Maks noted that a past
45 discussion had indicated that this is difficult in the midst of a five-lane arterial
46 street.

1
2 Mr. Bergsma agreed that it would be necessary to design this street so that it
3 would still be an attractive place to walk.
4

5 Noting that Tri-Met and USA are very involved in this issue, Chairman Maks
6 commented that a decision is difficult without input from other area facilities
7 providers. He expressed concern with non-conforming uses, more kids, more
8 buses and more places to park buses, specifically where the buses and equipment
9 will be stored. He pointed out that although the need for different projects is
10 obvious, funding for these projects is not always available. He pointed out the
11 conflict between the necessity of five-lanes on Merlo Road and the need to make
12 this area pedestrian-friendly.
13

14 Chairman Maks requested input regarding Policy Choice No. 1, specifically
15 whether residential should be permitted in this area, and if so, to what extent.
16

17 Commissioner Heckman indicated that he is not prepared to discuss the policy
18 choices at this time because he had just received the materials.
19

20 Ms. Fryer advised Chairman Maks that Chapter 3 had been distributed to the
21 Commissioners in draft form a week ago, along with the three scenarios.
22

23 Chairman Maks questioned whether the Commissioners would like to provide
24 input on the policies at this time.
25

26 Observing that he had received the information Friday night and has only
27 reviewed it once, Commissioner Voytilla stated that while he is prepared to
28 provide some input, he would like to hear from the public.
29

30 Ms. Fryer suggested returning on October 18, 2000, adding that staff will present
31 other alternatives without any consultants, and questioned whether the
32 Commissioners would feel comfortable submitting comments at that time.
33

34 Commissioner Heckman questioned whether she is requesting comments based
35 on the documents that are available at this time.
36

37 Ms. Fryer advised Commissioner Heckman that her request for comments on
38 October 18, 2000 would be based upon these documents.
39

40 Commissioner Barnard indicated that he would like input regarding these policies
41 from the property owners.
42

43 Observing that the property owners had been invited to the meeting, Ms. Fryer
44 stated that their comments had been received and provided to the Commissioners.
45 On question, she informed Chairman Maks that these property owners had seen
46 these policies in specifically this format. On question, she advised Commissioner

1 Barnard that the property owners' input had been included within the Staff Report
2 that had been submitted this evening.

3
4 Chairman Maks questioned when the property owners had received this
5 information.

6
7 Ms. Fryer stated that the Beaverton School District, Tri-Met and Metro had
8 received this information at a meeting on September 25, 2000, at which time each
9 of the three alternatives and the policy issues had been discussed. The
10 information had been mailed to the property owners who had chosen not to attend
11 this meeting, although she has not received response from any of these property
12 owners. She noted that this information includes Chapters 3 and 4 of the Merlo
13 Station Area Plan Technical Report No. 2.

14
15 Chairman Maks observed that the information they had reviewed on September
16 25, 2000 was basically identical to the information dated October 2, 2000.

17
18 Ms. Fryer indicated that while several grammatical changes had been made, the
19 information was the same as what the Commissioners had received in their
20 packets.

21
22 Chairman Maks requested that Ms. Fryer contact the large property owners and
23 request comments from them regarding Policy Choice Nos. 1 through 11.

24
25 Commissioner Barnard referred to page 25 of the Merlo Station Area Plan
26 Technical Report No. 1, specifically the following sentence: *"Most property*
27 *owners liked area they were in, and no plans to move out of the area or make*
28 *significant changes to their property or uses."* He expressed his opinion that the
29 entire plan looks like significant change.

30
31 Observing that this involves what is essentially a code project, Mr. Murphy stated
32 that the question is essentially what type of changes can be made to the
33 Development Code, particularly in those areas closest to the light rail station, and
34 specifically details regarding the amount of parking spaces.

35
36 Chairman Maks suggested that perhaps we should be only looking at that
37 particular area (near the light rail station).

38
39 Mr. Murphy mentioned concern with how far to go beyond the light rail station,
40 noting that generally this would be 1300 feet, which would be past Merlo Drive
41 into the Beaverton School District property. He emphasized that the
42 Commissioners need to determine what is non-conforming use.

43
44 Commissioner Barnard questioned whether a preferred alternate would be
45 developed and how this would be implemented.

46

1 Mr. Murphy advised Commissioner Barnard that the preferred alternate would
2 become part of the Development Code standards.

3
4 Chairman Maks observed that there is a lot to consider regarding this issue.

5
6 **PUBLIC TESTIMONY:**

7
8 **RACHEL NETTLETON**, stated that she resides in Elmonica Court and was
9 joined by Pat Russell. Observing that she is new to area, she commented that
10 because she lives right next to the Elmonica Station, she is concerned with this
11 development. She expressed her opinion that the Merlo Station is currently
12 underused, adding that she would like to see it used more. She noted that this
13 study area does not consider areas around it, such as the connection to the next
14 station or potential parking areas. She expressed concern with leakage and runoff
15 from washing the buses, specifically the potential for contaminating the nature
16 park/wetland area. She questioned why the principals involved in this issue are
17 not present, suggesting that representatives from the Beaverton School District
18 and Tri-Met should be available.

19
20 **PAT RUSSELL**, mentioned that this conversation was formally initiated two
21 weeks ago, adding that the neighborhood does not feel they have had sufficient
22 opportunity for dialogue with the Planning Commission regarding long-range
23 planning. He noted that as long as the Planning Commission is doing a good job,
24 the City Council would not become involved. He commented that he would like
25 to appeal to the Commissioners to take the time to consider long-range planning,
26 emphasizing that neither the NAC nor staff is in any hurry, although staff does
27 prefer to move their work program along. He expressed his opinion that this
28 provides a very important opportunity to think in broad terms, emphasizing the
29 necessity of considering urban form and attempting to avoid suburban thinking.
30 Referring to the significant changes that have occurred in the area since the
31 1970's, he urged that the Commissioners consider thirty years in the future. He
32 observed that village planning creates a sense of place, suggesting that those
33 involved in this process make it work, and added that this would serve to attract
34 more people to area.

35
36 Commissioner Johansen commented that the City of Beaverton does not have all
37 of the same urban renewal tools available that might be available to the City of
38 Portland.

39
40 Mr. Russell expressed his opinion that the City of Beaverton does have this same
41 capability as the City of Portland, although it has not been utilized.

42
43 Chairman Maks suggested that Mr. Russell permit Commissioner Johansen to
44 respond to his comments.
45

1 Commissioner Johansen pointed out that it is necessary to obtain the approval of
2 50% of the registered voters for any project of this sort, adding that this has really
3 stymied the use of that tool within the City of Beaverton. He stated that it is not
4 really possible to compare locally with what goes on in the Pearl District, the
5 River District or Airport Way.

6
7 Chairman Maks advised Mr. Russell that this is one of Commissioner Johansen's
8 areas of expertise.

9
10 Observing that this point is well taken, Mr. Russell expressed his opinion that
11 goals must be set high in order to achieve them.

12
13 Chairman Maks commented that while he likes village planning, boulevards and
14 main streets, it is necessary to think on a broad range and of the entire
15 community, emphasizing that he is a firm believer in property rights. He
16 mentioned that his main concern remains with where to locate light industrial
17 uses.

18
19 Mr. Russell responded that this particular area is not light industrial, observing
20 that the only light industrial is Reser's Foods. He noted that the rest is public
21 service agencies that are basically under-utilizing very valuable property.

22
23 Observing that Mr. Russell had made reference to Reser's Foods, Chairman Maks
24 questioned where he proposes to locate this facility.

25
26 Mr. Russell stated that Reser's might find it necessary to relocate if they can not
27 fit into the area thirty years from now.

28
29 **JAMES LYNCH**, Facilities Administrator representing the Beaverton School
30 District, commented that he is not certain whether a vision even exists. He
31 expressed his desire to correct the record regarding several issues, and referred to
32 documents received at the stakeholders meeting on September 25, 2000. He
33 pointed out that Technical Document No. 2 was not included with these
34 documents. In response to the question of when the Beaverton School District
35 had first received the proposed policy approaches and choices, he stated that he
36 had only received and reviewed this information the first of this week. He
37 expressed concern with the implication that Tri-Met has initiated this action,
38 adding that in his opinion, these alternatives would be attractive options if this
39 was actually vacant land. He emphasized that this is not vacant land, adding that
40 the property is owned by various entities that serve the public and that public
41 funds have been invested. He pointed out that there is a restriction on the School
42 District's ability to expand administrative and maintenance facilities to serve the
43 public as necessary. He pointed out that the school district does not have the
44 option of relocating in Hillsboro or splitting the facilities, adding that with this
45 year's over 3% enrollment growth, the district has well over 33,000 students,
46 1,091 of which are new students. With this rate of growth, the internal facilities

1 serving the schools need to grow as well. He mentioned that they had expressed
2 their expansion needs to Tri-Met, adding that they have not responded and appear
3 to have a new partner, USA. He pointed that even the lowest-impact scenario
4 proposed tonight would have the effect of prohibiting the school district from
5 meeting their expansion needs.

6

7 Chairman Maks commended Mr. Lynch for the longest sentence he had ever
8 heard, observing that he had not even taken a breath. He reminded Mr. Lynch
9 that even though he represents 33,000 students, he needs to summarize.

10

11 Mr. Lynch commented that he is not certain why this study is being performed,
12 adding that to his knowledge, it is not at the request of the majority of the
13 landowners. Observing that this action will result in a very significant impact, he
14 expressed his opinion that this decision should not be made without very thorough
15 and thoughtful consideration and encouraged the Commissioners to slow this
16 process.

17

18 Chairman Maks requested that Mr. Lynch review all of the policies and develop
19 opinions regarding these policies.

20

21 Mr. Lynch assured Chairman Maks that he would review and comment on the
22 policies.

23

24 Commissioner Barnard advised Mr. Lynch that written comments would be
25 preferable to allow the Commissioners the opportunity for review.

26

27 Commissioner Heckman questioned the exact acreage of the property owned by
28 the Beaverton School District.

29

30 Mr. Lynch advised Commissioner Heckman that the site involves 9.12 acres.

31

32 Commissioner Heckman questioned how much of the 9.12 acres is excess
33 property at this time.

34

35 Mr. Lynch informed Commissioner Heckman that with the exception of the
36 landscaping, to the best of his knowledge, virtually all of the property is currently
37 utilized to its maximum capacity.

38

39 Commissioner Voytilla referred to previous discussions with Tri-Met, specifically
40 the necessity of the different agencies to work together in an effort to economize.
41 He questioned whether Mr. Lynch anticipates the potential to consolidate any of
42 the uses on this property.

43

44 Mr. Lynch noted that there had been a suggestion for the possibility for mutual
45 benefit in shared parking, adding that this is dependent upon work schedules and
46 peak demands of facilities. He expressed his opinion that this idea is worthy of

1 exploration, emphasizing that parking could be reasonably shared. He observed
2 that although it is a wonderful concept, a five-story building with different public
3 entities presents an extremely difficult, if not impossible, proposal.
4

5 Commissioner Voytilla questioned whether Mr. Lynch has expressed this opinion
6 to Tri-Met.
7

8 Mr. Lynch indicated that he has not discussed this issue with Tri-Met, although
9 they have discussed the potential for shared parking.
10

11 Observing that the school district is the furthest location from Merlo Station,
12 Commissioner Barnard questioned the number of employees who might utilize
13 the light rail for work access.
14

15 Mr. Lynch advised Commissioner Barnard that most likely fewer than four out of
16 the 200 employees that work at that particular site would utilize the light rail. He
17 clarified that this site is the home base for employees who move around to various
18 sites throughout the day and need to transport throughout the district. He
19 commented that although they are supportive of mass transit, it is not realistic to
20 assume that the school district would generate a high percentage of public transit
21 use.
22

23 Commissioner Barnard asked whether Mr. Lynch considers the distance from the
24 transit station to the school district site a reasonable walking distance.
25

26 Observing that this is a reasonable walking distance in his opinion, Mr. Lynch
27 pointed out that this question involves a subjective response.
28

29 Chairman Maks expressed his support of individual property rights, pointing out
30 that the area will change significantly in the next thirty years. He suggested that
31 Mr. Lynch submit his comments in written form, requesting that he respond on
32 the key issues, such as Floor Area Ratios (FARs) and outside storage.
33

34 Mr. Lynch commented on FARs, referring to them as a reasonably effective
35 planning tool in planning new development. He added that they become entirely
36 troublesome when attempting to apply them to control what has already been
37 developed, or expansion.
38

39 Chairman Maks observed that it is possible to impose "triggers" on these FARs.
40

41 Mr. Lynch informed Chairman Maks that the imposition of "triggers" on FARs is
42 also troublesome.
43

44 Commissioner Heckman referred to concerns that had been expressed, requesting
45 that staff note these concerns and return with written comments.
46

1 Chairman Maks emphasized that staff would not be able to take any action until
2 the Planning Commission provides them with some direction with regard to
3 policies.

4
5 Commissioner Voytilla expressed his opinion that some information from some of
6 the critical stakeholders is not yet available, adding that he would be more
7 comfortable commenting after receiving and reviewing their input.

8
9 Commissioner Heckman questioned whether fellow Commissioners would be
10 prepared to discuss this issue in one week.

11
12 Ms. Fryer expressed her preference to a continuance of this discussion until
13 October 18, 2000, adding that this would provide adequate opportunity to receive
14 and distribute any comments.

15
16 Chairman Maks mentioned his concern with global thinking and how to get there.

17
18 Mr. Bergsma noted that this had been discussed at the stakeholders meeting on
19 September 25, 2000, pointing out that Mr. Lynch had been present at that time, in
20 addition to representatives of Tri-Met and the Tualatin Valley Water District.
21 Observing that these are not new issues, he emphasized that staff is aware that
22 they have to be adequately addressed and resolved.

23
24 Ms. Fryer pointed out that opportunities are available for the station community
25 districts in these areas to look different than any of the other station community
26 districts. She referred to Merlo Station Area Plan Technical Report No. 2, which
27 allows some outdoor storage and types of business that are currently in the area.

28
29 Chairman Maks suggested the possibility of considering only the Tri-Met and
30 USA property, creating a sort of a sub-area, similar to what had been done with
31 the Murray/Scholls Town Center.

32
33 Mr. Bergsma commented that the alternatives break down the area into smaller
34 areas, adding that different areas might have different regulations.

35
36 Observing that his priority is Policy Choice No. 3, Commissioner Barnard
37 emphasized that he would like to have a clear understanding of these policies,
38 specifically who would be affected or in non-compliance of each policy.

39
40 Mr. Bergsma advised Commissioner Barnard that this is dependent upon each
41 individual policy.

42
43 Commissioner Barnard informed Mr. Bergsma that he is particularly interested in
44 the effects of Policy Choice No. 3.

45

1 Commissioner Voytilla requested information regarding any impacts to all
2 affected parties.

3
4 Chairman Maks clarified that this is why each affected party has been requested
5 to submit their responses and opinions in writing.

6
7 Agreeing with Chairman Maks, Commissioner Voytilla pointed out that it would
8 also be helpful to have access to the perspectives of both staff and each affected
9 party.

10
11 Commissioner Barnard referred to Policy Choice No. 11, observing that shared
12 parking is not always feasible.

13
14 Commissioner Johansen requested that this issue be discussed on a date that no
15 other items are on the Agenda.

16
17 Ms. Fryer observed that when this particular work session had been originally
18 scheduled, no other items had been on the Agenda, adding that at that time, staff
19 had requested that no other items be added.

20
21 Chairman Maks observed that the Comprehensive Plan Land Use Element, which
22 is also Ms. Fryer's project, is scheduled for October 18, 2000.

23
24 Ms. Fryer advised Chairman Maks that the Agenda for October 25, 2000 is clear,
25 and the Agenda for November 2, 2000 has two policy issues scheduled.

26
27 Chairman Maks requested that the work session be continued until October 25,
28 2000.

29
30 Commissioner Heckman **MOVED** and Commissioner Johansen **SECONDED** a
31 motion to continue the work session for the Merlo Station Area Plan until October
32 25, 2000.

33
34 Motion **CARRIED**, unanimously.

35
36 8:45 p.m. to 8:53 p.m. -- recess.

37
38 **OLD BUSINESS:**

39
40 Chairman Maks opened the Public Hearing and read the format for Public
41 Hearings. There were no disqualifications of the Planning Commission members.
42 No one in the audience challenged the right of any Commissioner to hear any of
43 the agenda items, to participate in the hearing or requested that the hearing be
44 postponed to a later date. He asked if there were any ex parte contact, conflict of
45 interest or disqualifications in any of the hearings on the agenda. There was no
46 response.

1 **CONTINUANCES:**

2

3 **A. TA 2000-000 -- TITLE 4 IMPLEMENTATION TEXT AMENDMENT**

4 *(Continued from August 23, 2000)*

5 The Planning Commission will hear a City-initiated proposal on amending
6 Section 20.15.05.2.B.3. of the Development Code. The proposal would, if
7 approved, limit the amount of retail uses in the Campus Industrial (CI) zone to
8 60,000 gross square feet of building area. This amendment is proposed to bring
9 the City into compliance with Metro title 4 provisions.

10

11 Observing that he had not been present for the previous Public Hearings on June
12 14, 2000 and August 23, 2000 regarding this issue, Commissioner Johansen
13 commented that he has reviewed the minutes from both Public Hearings and the
14 audiotape from the Public Hearing on August 23, 2000. He stated that he feels
15 comfortable that he is capable of making an informed and unbiased decision on
16 this issue.

17

18 Commissioner Barnard mentioned that he had been ill and left early at the first
19 Public Hearing and had missed approximately the first ten minutes of the second
20 Public Hearing. He emphasized that he had reviewed both the minutes and tapes
21 of both minutes and feels comfortable with his ability to make an informed and
22 unbiased decision on this issue.

23

24 Senior Planner Steven Sparks presented the Staff Report and described the prior
25 Public Hearing, at which time there had been a tied vote, with an abstention. The
26 Public Hearing had then been continued for the purpose of returning with a
27 compromise on alternative language to the staff proposal. He informed the
28 Commission of numerous discussions between staff regarding this particular text
29 recommendation. Following these discussions, staff had concluded that the best
30 solution for the City of Beaverton was to return to the Planning Commission and
31 continue to propose a 60,000 square foot cap on retail uses in the Campus
32 Industrial (CI) zone. He mentioned that one additional resource of information is
33 included within the latest Staff Report, specifically the Beaverton Economic
34 Development Strategic Plan, adding that this resource also supports staff's
35 recommendation for the text amendment. He mentioned that Janet Young, the
36 Economic Development Coordinator for the City of Beaverton who led the
37 preparation of the Beaverton Economic Development Strategic Plan, is in
38 attendance to respond to any questions regarding the specifics of this plan. He
39 noted that staff recommends that the 60,000 square foot cap on retail uses be
40 placed in the CI zone and that the application be either approved or denied at this
41 time. Concluding, he offered to respond to any questions or comments.

42

43 Chairman Maks noted that staff had basically come back with what had been
44 requested. He requested clarification of whether he had also questioned how
45 much property is available on which use of over 60,000 square feet could be
46 located.

1
2 Mr. Sparks stated that he does not recall this specific question from the August
3 Public Hearing, although this had been requested at the Public Hearing in June
4 and discussed at the Public Hearing in August.

5
6 Chairman Maks agreed that this had been requested at the June meeting.

7
8 Commissioner Barnard advised Chairman Maks that he had reviewed the minutes
9 and discovered that he had been at both of the previous Public Hearings on this
10 issue.

11
12 **PUBLIC TESTIMONY:**

13
14 **TODD SADLO**, representing Home Depot, expressed appreciation for the
15 opportunity to address Title 4, which in his opinion exceeds Metro's requirements
16 for employment areas. He emphasized that it is not necessary to exceed these
17 requirements, observing that it had been his understanding at the last Public
18 Hearing that staff had been instructed to prepare some sort of a middle alternative.
19 He discussed CPA 99-00025, amending the Comprehensive Plan Land Use
20 Element and Maps, adding that these amendments are broad in scope but include
21 numerous amendments to the plans industrial and commercial policies and maps.
22 He emphasized that these amendments would place some of the CI zones in an
23 industrial plan classification. Expressing his opinion that Home Depot has
24 participated in this process in good faith, pointing out that they had not been
25 informed of the existence of the other process involved in this issue which has
26 been going on since last year. He noted that while CPA 99-00025 does not
27 outwardly indicate any involvement with Title 4, review of the exhibits,
28 specifically Exhibit 5, indicates that staff has requested that Metro amend the
29 Title 4 maps, changing some of the CI districts, including the Western Avenue
30 district, into Metro industrial areas. He expressed concern with what he referred
31 to as obvious problems with the entire process, dating back to prior to the appeal
32 Home Depot had filed with the Land Use Board of Appeals (LUBA).

33
34 Mr. Sadlo challenged the assumptions that are at work here, requesting
35 clarification of why the City of Beaverton is doing this and whether they consider
36 this good public policy. He pointed out that if the assumptions are wrong,
37 decisions are likely to be flawed. He described what he considers to be faulty
38 assumptions on the part of the City of Beaverton, as follows:

- 39
40 1. The Dolan argument is a red herring, and the City could be
41 contested for imposing conditions related to traffic. If the
42 language offered by Home Depot satisfies the City of Portland, it is
43 most likely appropriate to allow the City of Beaverton to reach the
44 goal of making certain that traffic impacts of proposed large format
45 retail uses are properly mitigated.
46

2. All Staff Reports in this proceeding analyze the impacts of the proposal based on the City's existing Comprehensive Plan, while simultaneously amending the Comprehensive Plan maps and text in a significant manner. Although this might be legal, this constitutes amendments to text and maps that will obsolete at approximately the same time as this ordinance is adopted.
3. There is no mention in any of Mr. Sparks' Staff Reports on this measure regarding the plan amendments currently proposed. It would seem impossible under these circumstances to adequately analyze the relative need for an availability of sites for industrial and commercial uses in the City of Beaverton.
4. The Staff Report discusses the scarcity of industrial lands in sweeping generalities without substantiation, failing to address the scarcity of commercial sites. There have not been any studies from staff supporting the conclusions in the Staff Report regarding the need in the Portland metropolitan area for more industrially designated lands. No Goal 9 Inventory has become available, and Goal 9 does apply, under ORS 197.835(7)(b).

Chairman Maks requested that Mr. Sadlo summarize his presentation in a timely manner.

Mr. Sadlo continued with what he referred to as faulty assumptions on the part of the City of Beaverton, as follows:

5. The Staff Report continues to include inaccurate statements concerning the effect of the proposal, stating that the proposal places a limit on the amount of retail square footage in the CI zoning districts. Expressing his opinion that this is not accurate, he stated that the Development Control Area (DCA) Overlay is the only limitation on the amount of retail in the CI zone, he emphasized that this limitation is unaffected by this particular ordinance. Under the DCA, up to 10% of the land area can be devoted to retail uses, which exceeds 60,000 square feet and over 115,000 square feet in the Western Avenue CI district. If this proposal is adopted, those retail uses can still be located there; this is not a cap on retail, but a ban on large format retail.
6. Average wages have been inaccurately listed and it is not clear how these figures have been determined. Home Depot has annual wages of up to \$26,000, rather than the \$16,000 that has been indicated in the Staff Report. Since the proposal would not actually ban retail from the CI districts, it would be appropriate to compare the wages and number of jobs associated with large

1 format retail use as opposed to the other types of retail use that
2 could continue to be located within the CI district.

3
4 7. Home Depot would clearly generate more employment per square
5 foot than a coffee shop or a lot of lunch counters. He pointed out
6 that a 115,000 square foot Home Depot would generate
7 approximately 200 jobs, which is a ratio of 575 square feet per one
8 employee and close to the target mentioned in the Staff Report.
9 The fact that this could be accomplished by converting existing
10 warehouse use, which contributes far fewer and lower-paying jobs,
11 should also be taken into consideration.

12
13 8. Although Home Depot supports the Economic Development
14 Strategic Plan, nothing within that document discourages the kind
15 of use they are proposing. This report does not even remotely
16 indicate that businesses and industries that are not within the
17 targeted categories should be discouraged, banned or not
18 accommodated.

19
20 9. Finally, Home Depot is a retail and wholesale outlet for lumber
21 and building materials -- the successor to the lumberyard. This is
22 the type of use that has traditionally been considered to be
23 acceptable and appropriate within industrial areas. He commented
24 that Home Depot has experienced problems with being lumped in
25 with other uses, when their use, which provides both retail and
26 wholesale lumber and building materials to the general public and
27 contractors, is the type of use that has always been located in
28 industrial areas in the past.

29
30 Mr. Sadlo emphasized that a ban is bad planning, adding that the CI district is
31 already protected from rampant retail by the DCA overlay and Conditional Use
32 process. He expressed his opinion that he had provided adequate and appropriate
33 language, adding that it has been accepted and utilized by Metro. Concluding, he
34 expressed his opposition of this proposal, noting that he hopes that his
35 participation has been helpful in allowing the Planning Commission to make a
36 better decision and that they realize this was not an attempt to make staff's life
37 miserable.

38
39 Commissioner Heckman questioned whether Mr. Sadlo is aware of any other sites
40 in any zoning districts in the City of Beaverton that would fit this big box
41 operation of 120,000 feet.

42
43 Mr. Sadlo advised Commissioner Heckman that he is not aware of any other
44 available and appropriate sites to accommodate this use. He noted that it would
45 become necessary to redevelop an existing site, adding that if this is the case, the

1 City of Beaverton needs to amend their plan indicating that they have no intention
2 of providing any additional land for commercial unless it is redevelopment.

3
4 Commissioner Heckman questioned whether Mr. Sadlo is aware of any land that
5 might possibly be available and appropriate for this type of redevelopment.

6
7 Mr. Sadlo advised Commissioner Heckman that they have made every possible
8 attempt to locate appropriate land, adding that they have also brought their experts
9 and broker to confirm this.

10
11 Mr. Heckman requested clarification that the only possible sites for the
12 development promoted by Mr. Sadlo are all located in the CI districts.

13
14 Mr. Sadlo emphasized that to his knowledge, no commercially zoned site of the
15 type and size that would accommodate this type of use that is not currently
16 developed is available, adding that this is the only reason they have been looking
17 at the CI districts.

18
19 Commissioner Heckman mentioned that the CI designation has been accepted by
20 the community and the Planning Commission for many years, noting that he had
21 served in this capacity for 130 months.

22
23 Commissioner Voytilla observed that he is familiar with the Home Depots in both
24 Beaverton and Tigard, adding that he has never yet seen the parking lots filled to
25 capacity. He mentioned that the check out counters can be hectic at times,
26 although they are not generally all open. Noting that there are already three
27 facilities serving this area, including the Hillsboro store, he questioned whether
28 Mr. Sadlo anticipates drawing from the same customer base that is currently
29 served by these existing facilities.

30
31 Chairman Maks cautioned Commissioner Voytilla not to get involved in the
32 specifics of any particular application.

33
34 Commissioner Voytilla advised Chairman Maks that he is attempting to determine
35 any economic need that might necessitate an additional facility.

36
37 Mr. Sadlo informed Commissioner Voytilla that Home Depot has been looking at
38 facilities all over region, adding that feasibility is determined by market studies.
39 He noted that they attempt to locate stores in area where there is a market, adding
40 that when you locate too far away, you can no longer draw from the same target
41 area. He discussed formulas that have been developed to determine how close
42 together to locate stores without drawing from the other stores. Concluding, he
43 submitted a copy of his testimony for the record.

44
45 On question, staff had no comments at this time.
46

1 Assistant City Attorney Ted Naemura referred to a Memo dated October 3, 2000,
2 and advised that the evidence for making a policy decision is evidence that also
3 helps to understand the City of Beaverton as a whole, rather than one type of retail
4 market. He urged that the Planning Commissioners utilize this information to
5 consider the evidence and testimony they have received to make an appropriate
6 decision.

7
8 Mr. Sadlo referred to the Memo mentioned by Mr. Naemura, expressing his
9 opinion that the Supreme Court may disagree with the Court of Appeals and
10 urging that the Commissioners make their decision based upon sound public
11 policy, good information and good assumptions.

12
13 Chairman Maks stated that the annexation of commercial areas into the City of
14 Beaverton follows the Urban Planning Area Agreement (UPAA), requesting
15 clarification of the process of how commercial designations are determined.

16
17 Mr. Bergsma stated that the City of Beaverton had recently changed the process
18 for annexation related Comprehensive Plan Amendments and Rezones, adding
19 that currently, when a property is annexed, within six months, it is necessary to
20 have a Public Hearing and apply both a City plan designation and City zoning.
21 He pointed out that staff is limited in their discretion, adding that they have to
22 follow the UPAA with Washington County, which for the most part dictates that
23 if there is a certain County designation, a certain City designation and zone must
24 be applied. Because no discretion is permitted, this allows certain applications to
25 be automatically approved on the Consent Calendar of the City Council. He
26 commented that there is one particular situation at this time that may involve
27 some discretion, observing that while Washington County has only one, the City
28 of Beaverton has three industrial designations, necessitating some discretion in
29 the application of an industrial designation.

30
31 Chairman Maks requested clarification that currently under the UPAA, no
32 Washington County designation is automatically designated CI within the City of
33 Beaverton.

34
35 Mr. Bergsma advised Chairman Maks that this is correct, reminding him that
36 while CI is one of the City of Beaverton's three industrial designations,
37 Washington County has only one. Any industrial property that is annexed would
38 involve determining which of these three City industrial designations to apply.

39
40 Chairman Maks referred to an 80,000 square-foot facility, and questioned whether
41 Ms. Fryer would like to take the opportunity to clarify this answer.

42
43 Ms. Fryer mentioned that the Cornell Oaks area involves an agreement with the
44 underlying property owner that requires the City of Beaverton to apply CI zoning
45 to that property when it annexes to the City, unless the property owner decides to
46 annex under a different category.

1 On question, Mr. Sparks advised Chairman Maks that an 80,000 square foot
2 Maks' Furniture Store, which is a retail use, would currently be allowed one of all
3 the industrial zones only in the CI zone of the three Industrial zoning districts. He
4 clarified that the adoption of the proposed text would not permit retail uses over
5 60,000 square feet, and that the proposed 80,000 square foot retail use could still
6 be located outright in any Multiple Use zoning designation and in almost every
7 Commercial zoning designation.

8
9 Commissioner Voytilla referred to Mr. Sadlo's comment that the City of
10 Beaverton is exceeding Metro's requirements.

11
12 Mr. Sparks expressed his opinion that Metro requirements are not exceeded by the
13 proposed text amendment. He referred to a communication received from Metro's
14 Director, Mr. Burton, indicating that possibility of taking one of three actions,
15 which he listed, adding that the City of Beaverton's proposal implements the
16 preferred option.

17
18 Commissioner Johansen requested clarification from Mr. Naemura regarding how
19 much weight should be given to a decision by the Court of Appeals and whether
20 this issue has actually been appealed.

21
22 Chairman Maks assured Commissioner Johansen that this issue would be
23 appealed.

24
25 Mr. Naemura advised Commissioner Johansen that the review from the Court of
26 Appeals is discretionary, explaining that the Supreme Court might or might not
27 elect to hear a particular case.

28
29 Commissioner Barnard requested clarification that the Cornell Oaks agreement
30 for CI zoning is at the request of the property owner.

31
32 Ms. Fryer advised Commissioner Barnard that this is true, adding that at the time
33 of the development of the overall corporate center, the City of Beaverton had
34 entered into an agreement with the underlying property owner. The City had
35 agreed to provide the public infrastructure (roads, water, sewer and storm drains)
36 to that area with the understanding that as soon as the property developed, it
37 would annex to the City. As part of that agreement, because the property was
38 designated for CI-type zoning in Washington County, and they had anticipated
39 developing the entire center as a corporate office park, when it annexed, they
40 would not be non-conforming, but consistent with the current CI zone.

41
42 Commissioner Barnard questioned whether this property owner is aware of this
43 text amendment, as it stands.

44
45 Ms. Fryer advised Commissioner Barnard that she is not certain of whether this
46 property owner is aware of this particular text amendment.

1
2 Mr. Sparks commented that this property owner received notification, as would
3 any potentially affected property owner, as part of the Ballot Measure 56 notice.
4

5 Chairman Maks requested clarification of how much undeveloped land outside
6 the City of Beaverton but within the planning area or the jurisdiction of
7 Washington County is designated residential, commercial and industrial.
8

9 Observing that he can not provide actual numbers, Mr. Bergsma advised
10 Chairman Maks that he does have some perception that very little industrial or
11 commercial property is available within this area.
12

13 The public portion of the Public Hearing was closed.
14

15 Commissioner Heckman expressed his approval of this text amendment and
16 referred to Mr. Sadlo's comments regarding low-paying jobs, observing that staff
17 had obtained this information from the State of Oregon Employment Department.
18 He expressed his full support of staff's position on this issue and their
19 recommendation for approval of the Title 4 Implementation Text Amendment.
20

21 Observing that he likes big box retail, Commissioner Johansen mentioned that he
22 shops at these facilities a lot and does not understand the opposition. Observing
23 that the City of Beaverton is running out of land for all types of uses, he
24 commented that it is becoming increasingly necessary to make some hard choices
25 concerning the remaining undeveloped land that is available. He expressed his
26 support of encouraging high-wage, quality employment in industrial areas and the
27 text amendment, as proposed.
28

29 Referring to the increasingly diminished supply of available land, Commissioner
30 Voytilla expressed his support of the text amendment.
31

32 Expressing his opinion that Mr. Sadlo's concern is more related to the area where
33 their market study would like to locate their store in relation to their existing
34 facilities, Commissioner Barnard expressed his support of the proposed text
35 amendment.
36

37 Chairman Maks discussed the intent of this zone, emphasizing that some uses are
38 not allowed in certain zones. He expressed concern with the possibility of
39 hampering ourselves with certain language and the diminishing supply of land,
40 concluding that he does not support this proposed text amendment, as presented.
41

42 Commissioner Johansen **MOVED** and Commissioner Heckman **SECONDED** a
43 motion to approve TA 2000-0004 – Title 4 Implementation Text Amendment,
44 based upon the testimony, reports and exhibits presented during the public hearing
45 on the matter and upon the background facts, findings and conclusions found in
46 the Staff Reports dated June 14, 2000, August 16, 2000, and September 27, 2000.

1 Motion **CARRIED**, by the following roll call vote:

2
3 Ayes: Barnard Nays: Maks
4 Heckman
5 Johansen
6 Voytilla
7

8 Observing that it is nearly 10:00 p.m., Commissioner Heckman reminded those
9 present that no new items will be accepted after 10:00 p.m.
10

11 **B. HALL AND METZ PROPERTY**

12 *(Continued from September 20, 2000)*

13 The site is located on the east side of SW Hall Blvd., between Metz and Sussex
14 Streets and is approximately 0.67 acres in size. Map 1S1-22BC; Tax Lots 500;
15 601, and 603.
16

17 **1. CPA 2000-0004**

18 An amendment to the Comprehensive Plan Map changing from Urban
19 Medium Density Residential to Urban High Density Residential.
20

21 **2. RZ 2000-0007**

22 An amendment to the Zoning Map changing from R-2 zoning allowing a
23 maximum one unit per 2000 square feet of land area, to R-1 zoning which
24 allows one unit per 1000 square feet of land area.
25

26 Observing that he had missed a portion of this Public Hearing which had been
27 continued on September 20, 2000, Commissioner Barnard stated that he had
28 reviewed the tapes and minutes and feels comfortable that he can make an
29 unbiased and appropriate decision on this issue.
30

31 Senior Planner John Osterberg discussed distribution of a Memorandum dated
32 September 29, 2000, adding that he believes that the exhibits and attachments
33 fully describe the request for information from the members of the Planning
34 Commission. He referred to Exhibit "Q", a copy of October 2, 2000
35 Memorandum from Mr. Farrarini of Hobson Ferrarini Associates to Planning
36 Consultant Sally Rose of SR Enterprises in response to the following questions:
37 1) the need for R-1 versus R-2 land; and 2) the current multi-family vacancy rate
38 in the Beaverton area. Concluding, he stated he has no additional information and
39 offered to respond to any questions or comments.
40

41 Commissioner Johansen questioned whether there is any certainty at this point
42 whether or not Mr. George Stall is aware of actions regarding his property.
43

44 Mr. Osterberg advised Commissioner Johansen that staff is unable to determine
45 Mr. Stall's knowledge of any action regarding his property, adding that Mr. Stall
46 is retired and lives elsewhere and another individual is residing in this house.

Commissioner Johansen requested clarification of whether any official representative of Mr. Stall is aware of these actions regarding the property.

Observing that he is not aware of any individual representing Mr. Stall in an official capacity, Mr. Osterberg stated that he has met with the current resident of the house, Mr. Carl Hamm, who has indicated that he is not certain of what information has been forwarded to Mr. Stall.

Commissioner Johansen commented that the letter received from the Beaverton School District, dated September 25, 2000, was not in the standard form that he is accustomed to reviewing from this entity.

Mr. Osterberg agreed that this letter was not in the standard format, adding that he had spoken with Jan Youngquist who represents the school district, although they had not discussed the format of the letter.

Chairman Maks observed that Ms. Youngquist is new to both this position and the Beaverton School District.

Chairman Maks referred to the Memorandum from Transportation Engineer Randy Wooley addressing the level of service, expressing his opinion that his comments are actually promoting circuitous routes and additional travel, which is contradictory to the transportation planning goals.

Mr. Osterberg described these comments by Mr. Wooley as simply describing the existing circumstance of the street and the common reactions of motorists, adding that it is not necessarily describing some resulting impact.

Chairman Maks requested clarification of whether his interpretation of Mr. Wooley's comments is correct, indicating that the problems with the left-hand turn are no big deal and the motorists will find alternate routes.

Mr. Osterberg commented that he understands this concern, although he has no information to counter this. He reminded Chairman Maks that the Stein Traffic Analysis indicates that there are no signal warrants at that location, adding that this situation has been considered and reviewed.

APPLICANT:

SALLY ROSE, Planning Consultant, representing SR Enterprises, stated that she has already given her presentation and responded to questions and rebuttal. Indicating that she has no additional comments at this time, she offered to respond to any questions or comments.

1 Chairman Maks referred to the vacancy rate, noting that it is actually very high at
2 this time, not 3.4%, as indicated, adding that he has observed enough rental signs
3 to convince him that rental housing is not scarce.
4

5 **STEVE FARRARINI**, representing Hobson Ferrarini, described how he had
6 obtained these statistics, and informed Chairman Maks that it is actually common
7 for rental firms of this type to include the older, stable buildings, and exclude
8 brand new buildings and lease-ups in their statistics. He noted that the rates have
9 dropped considerably in what he referred to as the outer west side in the past six
10 months. He mentioned that the newer buildings have a higher vacancy rate than
11 the older buildings, adding that banners advertise lease specials in a continual
12 marketing effort.
13

14 Commissioner Heckman requested clarification of how much this would affect
15 the percentage of vacancies, based upon the maximum amount of units that could
16 be placed.
17

18 Mr. Farrarini advised Commissioner Heckman that this would have virtually no
19 effect.
20

21 Commissioner Heckman referred to the immediate area that would be impacted,
22 requesting that Mr. Farrarini indicate a 4% or less vacancy rate within the area of
23 Allen Boulevard, south of Denney and Hall Boulevards and east of King Street.
24

25 Observing that he would have to research this issue and identify specific
26 buildings, Mr. Farrarini argued that people have a tendency to shop a larger area.
27

28 Commissioner Heckman requested clarification that the addition of 22 units will
29 result in a total of 368 available units.
30

31 Mr. Farrarini commented that Commissioner Heckman's assessment is not
32 entirely correct, adding that there would be more units available in the City of
33 Beaverton. He noted that the sample would be applied to the specific area, not the
34 entire city, and does not represent all units within the City of Beaverton.
35

36 Commissioner Heckman questioned whether it is possible that the fifteen units
37 could misrepresent the market.
38

39 Mr. Farrarini expressed his opinion that he does not believe that these fifteen units
40 would misrepresent the market.
41

42 On question, Ms. Rose advised Commissioner Heckman that a maximum of 22
43 units could be placed on this property, based upon the gross acreage, emphasizing
44 that this is under the requested zoning regulations, rather than the plan
45 designation.
46

1 Commissioner Voytilla questioned whether there is a threshold where the market
2 indicates a low vacancy rate, followed by an influx of new construction.

3
4 Mr. Farrarini agreed that the vacancy rate and construction rate typically follow a
5 cycle, pointing out that approximately 30% of the vacant multi-family units
6 actually represent "for sale" units. He reported that approximately 1200 units are
7 expected to enter the market within the next year region-wide, adding that peak
8 years usually generate 5,000 to 6,000 units. He mentioned that there is concern
9 with a region-wide land shortage, adding that the anticipated result will be lower
10 vacancy rates and increased rents. On question, he advised Commissioner
11 Voytilla that the expected vacancy rate for the Beaverton area over the next
12 twelve months is approximately 2.6%.

13
14 Commissioner Voytilla referred to a letter in the packet, specifically Exhibit K-3,
15 dated September 20, 2000, from the Vose NAC, requesting that Ms. Rose address
16 their concerns relative to their second reason for opposition -- the Planned Unit
17 Development transfer of density.

18
19 Ms. Rose stated that while it is true that this particular land had been part of the
20 original density calculations for the Laurel Ridge Condominiums, circumstances
21 have changed, and to say that the proposed change nullifies this nearly 20 years
22 later is not accurate.

23
24 Commissioner Voytilla questioned whether Ms. Rose has reviewed a current
25 density calculation for that particular project.

26
27 Ms. Rose advised Commissioner Voytilla that she has not reviewed any current
28 density calculation for the Laurel Ridge Condominiums.

29
30 Commissioner Voytilla observed that it is possible that this development is now
31 exceeding their density limitation, noting that some of the property on which the
32 density requirement had been based is no longer included.

33
34 Ms. Rose agreed with Commissioner Voytilla, pointing out that the purpose of
35 this application is to allow development on two parcels that could not otherwise
36 be developed.

37
38 Advising Ms. Rose that this is not his question, Commissioner Voytilla clarified
39 that the justification for the number of units currently in the Laurel Ridge
40 Condominiums had originally included this property and pointed out that the
41 removal of this property would change the density. He explained that property
42 could not be removed after it has been factored in without creating an increased
43 density.

44
45 Ms. Rose commented that she has not determined what the increased density
46 would be.

1
2 Commissioner Voytilla expressed his opinion that staff should address this
3 increased density issue.
4

5 Commissioner Barnard suggested that if the Planning Commission proceeded
6 with this zone change, causing this property to be designated R-1, the Laurel
7 Ridge Condominium density would be factored into the density, thus limiting the
8 units that could be built.
9

10 Development Services Manager Irish Bunnell responded that the density from the
11 R-2 zoning on this piece of property has already been used, and if it is zoned R-1,
12 it only has the potential for half of the density. He further clarified that this action
13 does not mean that the Laurel Ridge Condominium is over the permitted density,
14 adding that they had obtained this density for their project on their specific
15 property. Only a rezone can create an opportunity to increase the density, and it is
16 only created for the specific property that is the subject of this specific
17 application.
18

19 Chairman Maks questioned whether this changes the response provided to
20 Commissioner Heckman regarding the maximum of 22 units.
21

22 Mr. Bunnell stated that the 22 units is correct, adding that the property to the
23 south is also included, factoring in the property to the north.
24

25 Commissioner Voytilla discussed the Conditional Use Permit (CUP) and Planned
26 Unit Development (PUD) approved as Laurel Ridge Condominiums in the past,
27 specifically a certain portion of the property which had originally been included in
28 order to justify the density and is now being removed.
29

30 Mr. Bunnell advised Commissioner Voytilla that he is correct, noting that if this
31 property is rezoned R-1, staff will take into consideration the fact that those units
32 have already been used. The only units that would be allowed would be the net
33 difference between those units and what R-1 would allow on a virgin piece of
34 property.
35

36 Chairman Maks described the situation as if the eight of the ten acres were R-2,
37 and the remaining two acres were R-1.
38

39 Mr. Bunnell emphasized that the density has already been transferred.
40

41 Chairman Maks commented that if eight of the acres were R-2 and two of the
42 acres were R-1, and only 160 units had been constructed, there would still be units
43 permitted on the remaining two acres.
44

45 On question, Mr. Bunnell advised Commissioner Voytilla that the calculations
46 justifying this have been performed.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46

On question, Mr. Bunnell informed Commissioner Barnard that the calculations have indicated that 22 additional units could be allowed, adding that the current density would most likely allow 28 or 30 units.

Observing that historically, the Laurel Ridge Condominiums are being taken into consideration, Commissioner Voytilla questioned whether this property should be included in this application.

Mr. Bunnell advised Commissioner Voytilla that this property is a completely separate tax lot and would not be included in this application at this point.

Noting that he understands this, Commissioner Voytilla emphasized that this property had been included in the justification for the density.

Mr. Bunnell commented that this action is not affecting the Laurel Ridge Condominiums Planned Unit Development.

Mr. Voytilla stated that although he understands this, he has concern that removal of this property from this density calculation might intensify the density of the Laurel Ridge Condominiums, as it had been approved.

Mr. Osterberg commented that this action would not intensify the density of the Laurel Ridge Condominiums, adding that the number of units in this project would remain the same.

Commissioner Voytilla repeated that he understands, emphasizing that he is confused with the fact that they had been approved with so many units on that acreage, which included the property subject to this application. Now this acreage is being removed from the total, and the existing units will be located on a smaller property than was originally approved, which, in effect, intensifies the original development.

Chairman Maks clarified that the Planning Commissioners understand the basic concept, but were confused with the situation, which he compared to an acre of R-7 property ending up with nine houses located on it.

Commissioner Voytilla expressed concern with establishing a precedence in which an individual could develop a gross land area and then obtain additional development at a later time.

Chairman Maks indicated that it would still be necessary to meet the overall density of the initial land use.

Mr. Bunnell emphasized that anyone can request a rezone to get more density out of a piece of property, adding that this is the basis for this particular request.

1 Commissioner Heckman questioned how many units could be allowed if there
2 were no restrictions on Lots 500, 601 and 603 and they were zoned R-1.

3
4 Mr. Bunnell advised Commissioner Heckman that this involves dividing the
5 square footage of all three parcels by 1000.

6
7 Referring to the Habitat for Humanity issue, Commissioner Barnard questioned
8 the minimum number of units that could be built on the subject property.

9
10 Chairman Maks advised Commissioner Barnard that an 80% density would be
11 required.

12
13 Commissioner Barnard requested clarification of whether this would involve 80%
14 of the 22 units.

15
16 Chairman Maks clarified that this means 80% of the density for a particular
17 parcel. With regard to the density transfer, he pointed out that this action is being
18 done after the fact, rather than at the time of the original application.

19
20 Mr. Bunnell informed Commissioner Barnard that he is attempting to calculate his
21 response, by taking the total acreage of three parcels, which is 0.67 acres and
22 multiplying this amount by 43,560 square feet per acre, and dividing that by 1,000
23 for the one unit per 1,000 square feet. Observing that 0.15 of the 0.67 acres is
24 being subtracted out, for Tax Lot 601, which is intended for a public street,
25 leaving 0.52 acres. The 0.52 acres is multiplied by the 43,560 square feet per acre
26 and divided by 1,000 for the one unit per 1,000 square feet. The result is
27 approximately 22 units, from which it is necessary to subtract out the units that
28 have already been transferred.

29
30 Chairman Maks emphasized that this is what had caused the controversy.

31
32 Mr. Bunnell explained that staff calculated that after the Laurel Ridge density
33 transfer is considered, approximately 18 or 19 units, most likely 18, could be
34 developed on the subject properties.

35
36 Commissioner Barnard questioned the minimum number of units that could be
37 located on this property, and Chairman Maks clarified that the minimum would be
38 80% of the 18 units.

39
40 **PUBLIC TESTIMONY:**

41
42 **CATHERINE ARNOLD,** referred to a letter she had submitted regarding the
43 Hall/Metz Rezone, and reiterated some of the issues that concern her, specifically
44 regarding Tax Lot 603. She expressed her opinion that leaving this property
45 sitting there without applying any density requirements would probably doom the
46 property to continue to sit there as a vacant lot, neither compatible with the area

1 nor with any appropriate use. She stated that rezoning the property to R-1 would
2 cause it to become compatible with the existing neighborhood, requesting that the
3 rezone be approved, regardless of the issue concerning Tax Lot 500. On behalf of
4 the 1999 Leadership Beaverton Project Team, she noted that they are working
5 with Habitat for Humanity to create affordable housing.
6

7 Chairman Maks cautioned Ms. Arnold that this application does not concern
8 Habitat for Humanity.
9

10 **DAVID ANDERSON**, representing New Horizons, mentioned a letter that they
11 had submitted, dated September 12, 2000, emphasizing one item that is not
12 included in letter and one that is. He referred to Point 4, noting that this entity
13 concurs with the recommendation made by Catherine Arnold concerning rezoning
14 Lot 603 to R-1. He further suggested that Lot 500 be excluded from the rezone
15 request, adding that this would still allow Lot 603 to be developed in a manner
16 that is compatible with the neighborhood. He discussed the issue of parking,
17 which had been raised at the previous Public Hearing, specifically the reference to
18 eight parking spaces with no driveway, questioning whether it is reasonable to
19 assume that there will be no driveways.
20

21 On question, Mr. Anderson assured Commissioner Johansen that New Horizons is
22 not affiliated with Laurel Ridge Condominiums.
23

24 **CHRISTOPHER REDMOND**, representing the Vose NAC and himself,
25 apologized for missing last week's Public Hearing, observing that he had been
26 involved with the birth of a baby. He referred to a letter submitted by the Vose
27 NAC, requesting clarification of whether it is legal to change the zoning of a
28 property after a transfer has occurred, and expressed concern with setting such a
29 precedence. He discussed transition between dissimilar zones, specifically
30 concern with two story apartment complexes and single-family homes with a
31 three or four story complex jutting through the middle, suggesting that they prefer
32 to see something a little more uniform with the existing neighborhood. Observing
33 that the Vose NAC had not had any opportunity to participate in voting on any
34 options, he suggested several options that had been discussed, although they had
35 not been voted on. He expressed his opinion that the Vose NAC would support
36 deleting Lot 500 from application for several reasons, as follows:
37

- 38 1. The R-1 designation would actually only make it the equivalent of
39 R-2, and because Lot 500 is currently R-2, this would essentially
40 make the entire block harmonogenous, fitting in more directly with
41 what is located to the south and the east of this property;
42
- 43 2. Exhibit "Q", the letter submitted by Hobbs and Farrarini, refers to
44 a vacancy rate, although their information only targets apartment
45 complexes and does not include multi-family owned or single-
46 family residences.

- 1 3. In the Code Book, the City Code indicates that "if a given multi-
2 unit piece of property or high-density property does not meet the
3 configuration requirement to allow the meeting of setbacks for
4 building and development purposes, the minimum density does not
5 apply". He explained that although Lot 603 has a minimum
6 density of approximately five units, it could actually be less,
7 because the setback requirements are not met.
8

9 Concluding that he is no statistical expert, Mr. Redmond emphasized that he is
10 married to a statistician and that statistics can indicate what we want them to.
11

12 **APPLICANT REBUTTAL:**
13

14 Ms. Rose referred to concerns that had been discussed regarding potentially
15 setting a precedent. She expressed her opinion while anybody can apply for a
16 zone change, as Mr. Bunnell had indicated, the City of Beaverton could address
17 the concern with setting a precedent by being more specific on density issues in
18 the future.
19

20 On question, Mr. Osterberg indicated that he has no further comments and offered
21 to respond to any questions at this time.
22

23 Commissioner Voytilla requested clarification of whether Lot 601 is under the
24 ownership of the City of Beaverton, and Mr. Osterberg stated that this is true.
25

26 Observing that this property runs parallel to Metz Street, Commissioner Voytilla
27 questioned whether Lot 601 is located in right-of-way.
28

29 Mr. Osterberg advised Commissioner Voytilla that although Lot 601 is not right-
30 of-way, the property is intended for the development of a future street if
31 determined to be necessary by the City of Beaverton.
32

33 On question, Mr. Osterberg informed Commissioner Voytilla that he does not
34 know when the ownership of Lot 601 changed.
35

36 Commissioner Voytilla questioned whether Lots 500 and 603 have always been
37 separated from Laurel Ridge Condominiums by Lot 601.
38

39 Mr. Osterberg clarified that the property for the street had also been the result of
40 the Laurel Ridge Condominiums Planned Unit Development.
41

42 Commissioner Voytilla questioned whether the City of Beaverton had put Lot 601
43 in this particular configuration.
44

45 Mr. Osterberg expressed his opinion that this lot had been in this configuration
46 when it came to the City of Beaverton.

1 Commissioner Voytilla expressed his opinion that it seems odd that this lot is in
2 the shape of a road, specifically how it could have been utilized in an application
3 as a basis for density requirements.
4

5 Mr. Osterberg clarified that one of the Conditions of Approval for the Laurel
6 Ridge Condominiums had required the establishment of a piece of property for
7 future possible street improvement as part of the Laurel Ridge Condominiums,
8 and that the lot would not be used for density calculation. He emphasized that the
9 City is not proposing changing this particular Condition of Approval.
10

11 Commissioner Voytilla explained that he is attempting to determine how these
12 properties are connected, observing that it appears that there had been a dedicated
13 street.
14

15 Mr. Osterberg emphasized that this particular street had never been dedicated as
16 right-of-way, adding that he is not certain of the specific history.
17

18 Commissioner Voytilla questioned whether staff had researched this dedication
19 document and determined any recording date.
20

21 Mr. Osterberg stated that staff has determined that this property has not actually
22 been dedicated. He commented that the City of Beaverton owns this property fee
23 simple, and it is not dedicated as a right-of-way.
24

25 Observing that the Condition of Approval required that this property be dedicated
26 to the City of Beaverton, Commissioner Voytilla questioned the date of the
27 recorded document through which this property had been acquired.
28

29 Mr. Osterberg stated that he does not have the information regarding the date,
30 although the property had been donated to the City of Beaverton at a time later
31 than the approval of the Laurel Ridge Condominiums.
32

33 Commissioner Voytilla expressed his opinion that this entire situation is very odd.
34

35 Commissioner Heckman referred to Lot 601, specifically the back portion that
36 had been dedicated or intended for future use. Observing that this property is
37 only 15-1/2 feet wide, he questioned where the remainder of this roadway was
38 intended to come from.
39

40 Mr. Osterberg referred to this as a half street improvement, adding that upon
41 future development, a final determination will be made whether or not this
42 property should be a street.
43

44 Commissioner Heckman observed that because it is intended for a possible future
45 street, the back portion of Lot 601, as currently zoned, could never have a
46 structure built upon it.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46

Mr. Osterberg stated that this lot could not be used for development, adding that the only possibility he could imagine would be if, at some future time, the City of Beaverton, as the property owner, would like to apply for modification of the Laurel Ridge Conditional Use Permit to change the condition.

Commissioner Barnard questioned staff's opinion of excluding Lot 500 from the rezone.

Mr. Osterberg stated that the primary purpose of the City in proposing the rezone for Lot 500 is to have these properties assembled together in a more comprehensive fashion to prevent a very small or unusual lot configuration.

Commissioner Barnard questioned whether leaving Lot 500 R-2 and rezoning Lots 601 and 603 to R-1 would have the effect of further restricting number of units that could be developed on Lot 500.

Mr. Osterberg advised Commissioner Barnard that this action would not allow for an increase in the number of units that could be developed on Lot 500.

Commissioner Barnard observed that Lots 601 and 603 could be developed under the R-1 zoning, although the result might be fewer units.

Commissioner Osterberg agreed, adding that he is not certain of the exact number of units that could be developed with the removal of Lot 500.

Chairman Maks observed that a root canal would give him greater pleasure than this Public Hearing.

The public portion of the Public Hearing was closed.

Admitting that this application is slightly, if not very, unusual, Chairman Maks deferred to Commissioner Heckman's 131 years of service on the Planning Commission.

Commissioner Heckman corrected Chairman Maks, advising him that he has served for 131 months, not 131 years.

Apologizing to Commissioner Heckman for his error, Chairman Maks expressed his opinion that it only seems like years. He equated the current issue with similar situations they had encountered while serving in this capacity, although this application is unique because it also includes a transfer of density. He expressed concern with attempts to meet density requirements on what is considered an unbuildable piece of property, adding that he wholeheartedly supports this application which he feels meets all applicable criteria.

1 Commissioner Heckman observed that he disagrees with Chairman Maks,
2 expressing his opinion that the present density fits what is there and that the
3 surrounding property owners and their representatives have the greatest awareness
4 of what is going on in their area. He stated that he has no problem with the R-2
5 designation, which would allow for 9 units. Referring to Section 1.3.1.6, he
6 emphasized that a public need for this amendment has been not demonstrated and
7 expressed his opposition to this action.

8
9 Commissioner Barnard observed that at the present time, any purchaser of this
10 property could not build a residence on Lot 601 and questioned whether it would
11 be possible to locate driveways or access routes across Lot 601.

12
13 Chairman Maks informed Commissioner Barnard that this does not involve
14 zoning or density requirements, adding that a street, but not a house, could be
15 located on Lot 601.

16
17 Commissioner Barnard expressed that he does not feel comfortable rezoning Lot
18 500 without any input from Mr. Stall.

19
20 Mr. Bunnell clarified that because the density has already been transferred,
21 without a zone change, one could not build on either Lot 601 or Lot 603.

22
23 Commissioner Barnard emphasized that Lot 500 should not be rezoned without
24 input from Mr. Stall, adding that he does not feel that either Lot 601 or Lot 603
25 should be left empty. Observing that while open space is nice, he pointed out that
26 unbuildable lots contain weeds, and expressed his reluctant support for rezoning
27 all three parcels included in the application.

28
29 Commissioner Voytilla requested clarification that because their density has
30 already been utilized, neither Lot 601 nor Lot 603 could be built upon.

31
32 Mr. Osterberg clarified that because it has been reserved for a potential future
33 street, Lot 601 could not be built on, even with a zone change, adding that a zone
34 change would be necessary to allow anything to be built on Lot 603.

35
36 Commissioner Voytilla observed that under the current designations, only Lot 500
37 could be built upon, without a zone change.

38
39 Mr. Osterberg explained that if CPA 2000-0004 and RZ 2000-0007 are denied,
40 only Lot 500 could be developed, and that this would occur under existing R-2
41 density.

42
43 Commissioner Voytilla commented that the R-2 density would allow
44 approximately six units on Lot 500. He described his confusion relative to the
45 density transfer and number of units, emphasizing that this should have been
46 clarified in the staff presentation. Observing that the neighbors obviously share

1 his concerns and that he does not feel that all the issues have been adequately
2 addressed, he stated that he does not support this application.

3
4 Commissioner Johansen commented that he shares the confusion and concern
5 with the difficulty of this process, adding that he believes he now has an
6 understanding of the relationship of the PUD to this application. He expressed
7 concern with what he referred to as a fundamental property right issue, adding
8 that this property should not be rezoned in the absence of the owner. He observed
9 that if he were to go to Europe for a year, he would be very unhappy to return
10 home and discover that his property has been rezoned.

11
12 Chairman Maks suggested that he would like to locate the light rail through
13 Commissioner Johansen's property.

14
15 Commissioner Johansen stated that he could not approve the application with the
16 inclusion of Lot 500.

17
18 Chairman Maks clarified that Commissioner Barnard had indicated that he
19 reluctantly supports the application.

20
21 Commissioner Barnard questions whether it is safe to assume that Mr. Stall does
22 not know or does not care about this action.

23
24 Mr. Bunnell interjected that we can not assume that Mr. Stall does not know or
25 does not care about this action. The City of Beaverton has more than met the
26 State requirements of this notification.

27
28 Noting that Mr. Stall has received two notices and a knock on the door, Chairman
29 Maks emphasized that a Measure 56 Notice has been generated. He discussed the
30 Regional Town Center and Tektronix Town Center, commenting that sometimes
31 property owners just don't respond.

32
33 Commissioner Johansen expressed his opinion that the situations are not similar,
34 observing that this involves area-wide planning versus a specific lot. He
35 explained that a fundamental difference exists because a property owner can make
36 a voluntary decision.

37
38 Mr. Naemura referred to the projects mentioned by Chairman Maks, noting that in
39 an election year, many ballot measures directly affect local government. He
40 stated that he can think of no single landowner who has received as much time
41 and money from government attention as Mr. Stall.

42
43 Chairman Maks expressed his appreciation to Mr. Naemura for making this
44 observation, adding that this is what he had been attempting to point out.
45

1 Commissioner Johansen agreed that while an adequate effort has been made, it
2 had not been successful and therefore the City has not met Goal 1.

3
4 Commissioner Heckman questioned whether any available options are at the
5 discretion of the applicant or the Planning Commission.

6
7 Chairman Maks stated that the applicant should receive some direction from the
8 Planning Commission. On question, he advised Commissioner Barnard that
9 height conditions could not be conditioned on a rezone. Noting that he is in the
10 minority, he stated that he is in favor of rezoning all three lots and that only six
11 units does not support either the long-term or regional policies.

12
13 Commissioner Heckman endorsed rezoning all three parcels to R-1, adding that
14 Mr. Bunnell has indicated that the desired density can not be achieved with R-2.

15
16 Chairman Maks suggested the possibility of making Lot 601 and Lot 603
17 buildable by rezoning them R-1, and leaving Lot 500 at its current designation.

18
19 Commissioner Heckman stated that he feels that eighteen units would create too
20 great of a density and that he would approve a maximum of nine units on this
21 property.

22
23 Commissioner Heckman **MOVED** and Commissioner Johansen **SECONDED** a
24 motion to suspend the rules and allow the meeting to continue until 11:15 p.m.

25
26 Motion **CARRIED**, unanimously.

27
28 Commissioner Heckman suggested that Lot 500 remain at its present designation,
29 and that Lot 601 and Lot 603 be rezoned R1, under the condition that the property
30 only be built at R-2 density, since a portion of the density has already been
31 achieved.

32
33 Commissioner Barnard expressed his opinion that this application is getting
34 muddy.

35
36 Chairman Maks disagreed with Commissioner Barnard, stating that the situation
37 is pretty clear.

38
39 Commissioner Barnard questioned whether Commissioner Voytilla's issues could
40 be addressed or clarified.

41
42 Commissioner Voytilla stated that he supports the application, adding that
43 although there have been multiple suggestions, he does not believe that the
44 resources are available. He assured Commissioner Barnard that he feels
45 comfortable with Chairman Maks' recommendation.

46

1 On question, Chairman Maks advised Commissioner Barnard that in the event the
2 Laurel Ridge Condominiums were destroyed and the property owner wished to
3 rebuild, the CUP runs with the land.

4
5 Mr. Bunnell clarified that the property owner could replace what had already been
6 approved, but not a higher density.

7
8 Commissioner Heckman **MOVED** and Commissioner Voytilla **SECONDED** a
9 motion to approve CPA 2000-0004 – Hall and Metz Property Comprehensive
10 Plan Map Amendment, changing Lot 601 and Lot 603 from Urban Medium
11 Density Residential to Urban High Density Residential, and leaving Lot 500 at its
12 current designation of Urban Medium Density Residential, based upon the
13 testimony, reports and exhibits presented during the public hearing on the matter
14 and upon the background facts, findings and conclusions found in the Staff Report
15 dated August 2, 2000.

16
17 Motion **CARRIED** unanimously.

18
19 Commissioner Barnard questioned what would prevent the purchase of Lot 601
20 and Lot 603 and the construction of a high-rise building.

21
22 Chairman Maks advised Commissioner Heckman that the density has already
23 been achieved and this can not be done.

24
25 Commissioner Heckman **MOVED** and Commissioner Johansen **SECONDED** a
26 motion to approve RZ 2000-0007 -- Hall and Metz Property Rezone, changing
27 Lot 601 and Lot 603 from R-2 zoning, allowing a maximum one unit per 2,000
28 square feet of land area, to R-1 zoning, allowing one unit per 1,000 square feet of
29 land area, and leaving Lot 500 at its current designation of R-2, based upon the
30 testimony, reports and exhibits presented during the public hearing on the matter
31 and upon the background facts, findings and conclusions found in the Staff Report
32 dated August 2, 2000.

33
34 Motion **CARRIED** unanimously.

35
36 **NEW BUSINESS:**

37
38 **PUBLIC HEARING:**

39
40 **A. CITY OF BEAVERTON OPERATIONS CENTER EXPANSION CPA AND**
41 **REZONE**

42 The following land use applications have been submitted for Comprehensive Plan
43 Amendment and Rezone on a parcel located at 6685 SW Scholls Ferry Road. The
44 development proposal is located on Assessor's Map 1S1-23BD, on Tax Lot 200.
45 The site is currently designated "All Other Commercial Districts" and is zoned
46 Neighborhood Service Center (NS) and is approximately .55 acres.

1
2 **1. CPA2000-0007 – COMPREHENSIVE PLAN AMENDMENT (CPA)**

3 Request for a Comprehensive Plan Amendment (CPA) to change the City's
4 Comprehensive Plan designation from All Other Commercial Districts to
5 Industrial Park.

6
7 **2. RZ2000-0009 – REZONE (RZ)**

8 Request for a Rezone approval to change the City's zoning designation from
9 Neighborhood Service Center (NS) to Industrial Park (IP).

10
11 Observing that the 120-day requirement has been waived on this application,
12 Chairman Maks suggested a continuance until October 11, 2000.

13
14 Commissioner Heckman **MOVED** and Commissioner Voytilla **SECONDED** a
15 motion that CPA 2000-0007 -- City of Beaverton Operations Center Expansion
16 Comprehensive Plan Amendment and RZ 2000-0009 -- City of Beaverton
17 Operations Center Expansion Rezone be continued to a date certain of October
18 11, 2000.

19
20 Motion **CARRIED**, unanimously.

21
22 **APPROVAL OF MINUTES:**

23
24 Commissioner Heckman **MOVED** and Commissioner Voytilla **SECONDED** a
25 motion that the minutes of the meetings of August 2, 2000, August 9, 2000,
26 August 16, 2000, August 23, 2000 and August 30, 2000, be continued until
27 October 11, 2000.

28
29 **MISCELLANEOUS BUSINESS:**

30
31 The meeting adjourned at 11:10 p.m.